

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN

CREE, INC.,

Plaintiff,

v.

Case No. 17-cv-1804-pp

MILWAUKEE WHOLESALE LLC
d/b/a LED KING and/or LEDKING.US,
and SMART TECHNOLOGY LLC
d/b/a LED KING and/or LEDKING.US

Defendants.

**ORDER APPROVING STIPULATION FOR ENTRY OF PERMANENT
INJUNCTION AND DISMISSAL WITH PREJUDICE (DKT. NO. 16)**

On July 20, 2018, the parties filed a Stipulation for Entry of Permanent Injunction Against Defendants Milwaukee Wholesale LLC and Smart Technology LLC, and Dismissal With Prejudice. Dkt. No. 16. The court

APPROVES the stipulation and **ORDERS** that the defendants are **PERMANENTLY ENJOINED** as follows:

1. PERMANENT INJUNCTION. Under 15 U.S.C. §1116(a) and 35 U.S.C. §283, the defendants are restrained and enjoined from engaging in, directly or indirectly, or authorizing or assisting any third-party to engage in, any of the following activities in the United States and throughout the world:

- a. Copying, manufacturing, importing, exporting, purchasing, marketing, advertising, selling, offering for sale, distributing or dealing in any product that uses, or otherwise makes any use of, any of Plaintiff's light fixture design patents D721,844 S or D743,084 S (collectively "CREE's Intellectual Properties"), and/or any intellectual property that is confusingly or substantially similar to, or that constitutes a colorable imitation of, any of CREE's Intellectual Properties, whether such use is as, on, in or in

connection with any trademark, service mark, trade name, logo, design, Internet use, website, domain name, metatags, advertising, promotions, solicitations, commercial exploitation, television, web-based or any other program, or any product or service, or otherwise;

- b. Advertising or displaying images and/or photographs of non-genuine CREE LEDs and/or LED lighting products using the CREE® and/or CPY250® marks;
- c. Advertising or selling non-genuine CREE LED light fixtures embodying and/or comprised of Plaintiff's design patents;
- d. Using CREE's Intellectual Properties, including but not limited to the CREE® or CPY250® trademarks in advertising to suggest that non-genuine CREE products being advertised are manufactured, sponsored by, endorsed by, or are otherwise affiliated with CREE and/or advertising non-genuine CREE LEDs and other non-genuine CREE LED lighting products using descriptions that imply that the products are genuine CREE products;
- e. Performing or allowing others employed by or representing Defendants, or under Defendants' control, to perform any act or thing which likely infringes upon any of CREE's Intellectual Properties, including but not limited to the CREE® and CPY250® trademarks and/or Plaintiff's design patents D721,844 S or D743,084 S; and
- f. Using any Internet domain name or website that includes any of Plaintiff's trademarks, design patents, or Intellectual Properties, including but not limited to the CREE® or CPY250® marks and/or design patents D721,844 S or D743,084 S.

2. This Permanent Injunction shall be deemed to have been served on the defendants at the time of its execution by the court.

3. The court finds there is no just reason for delay in entering this Permanent Injunction against the defendants, and under Federal Rule of Civil Procedure 54(a), the court directs immediate entry of this Permanent Injunction against the defendants.

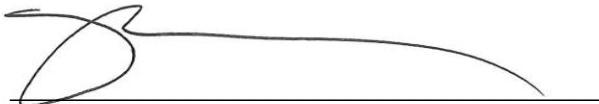
4. NO APPEALS AND CONTINUING JURISDICTION. No appeals shall be taken from this Permanent Injunction, and the parties waive all rights to appeal. This court expressly retains jurisdiction to enforce any violation of the terms of this Permanent Injunction by the defendants.

5. NO FEES AND COSTS. The plaintiff and the defendants each shall bear their own attorneys' fees and costs incurred in this matter.

6. DISMISSAL. Upon entry of this Permanent Injunction against the defendants, the court shall dismiss the case as to the defendants, with prejudice.

Dated in Milwaukee, Wisconsin this 19th day of November, 2018.

BY THE COURT:



HON. PAMELA PEPPER
United States District Judge